IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

OP.No. 17348 of 2000(M)

PETITIONER:

M. BASHEER,
ASST. EXE. ENGINEER(RTD),
KANOOJAM,K.P.X.294,
PADINJATTIL LANE, KUMARAPURAM,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.S.CHANDRASENAN
SRI.P.K.SOMARAJAN
SRI.B.RAJEEV
SRI.S.SAJITH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED
BY PRINCIPAL SECRETARY TO GOVT.,
PUBLIC WORKS(B) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. CHIEF ENGINEER, PWD.,
GENERAL & ADMINISTRATION,
THIRUVANANTHAPURAM.

BY ADV. SRI. MUHAMMED ANZAR, GOVT. PLEADER.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 09/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

TODAY ALSO THERE IS NO REPRESENTATION FOR THE PETITIONER. THE ORIGINAL PETITION WILL STAND DISMISSED FOR DEFAULT.

09.02.2007 SD/- PIUS C. KURIAKOSE, JUDGE.

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No. 17348 of 2000

Dated this the 26th day of June, 2007.

JUDGMENT

Heard.

2. The only reason stated in the impugned order Ext.P5, for not considering the request of the petitioner for promotion under seven tier system is that certain orders of stay were passed by this court in O.P.No.5005/99. A perusal of Exts.P6 to P9 would show that no such orders exist.

3. In such circumstances, it is directed that the request of the petitioner contained in the representation referred to in Ext.P5 shall be considered in accordance with law that prevailed at the time when he made the representation and orders shall be passed within two months from the date of receipt of a copy of this judgment. To enable the Government to pass appropriate orders on the representation, the impugned order [Ext.P5] will stand quashed. If it is found that he is entitled for promotion as sought for by him, the Government will pass appropriate orders regarding consequential benefits.

Sd/-

(THOTTATHIL B.RADHAKRISHNAN)
JUDGE

sk/

//true copy//

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No. 17348 of 2000

JUDGMENT

26TH JUNE, 2007.